

REMARKS

Claims 57-62, 66-68, 70, 72-79 and 82-96 are amended. Claims 57-75 and 78-96 are in the application for consideration.

Regarding the drawings rejection of claim 57, each of the claims as now herein presented recites a "conductive diffusion barrier layer material". Support for the same is inherent in Applicant's application as-filed, for example at p.8, Ins.6-9. The subject claim language, as herein presented, clearly encompasses multiple discrete layers as well as non-discrete layers. Regardless, the undersigned disagrees with the Examiner's conclusion regarding claim 57 not being supported by the drawings. In particular, claim 57 is not limited to two discrete barrier layers, as the Examiner would apparently assert. Specifically, the operative language in claim 57 is that the conductive diffusion barrier layer material comprises at least two or three of the stated materials. Accordingly, Applicant's drawing depicted conductive diffusion barrier layer material could comprise a mixture of two materials, as opposed to requiring two separate discrete layers. Such is supported in Applicant's application as-filed, for example in the recitation to "mixtures" in claim 39. Clearly, Applicant's originally submitted claims constitute a part of its disclosure, and mixtures of such materials are contemplated.

Further, the Examiner mistakenly asserts that there is no support in the specification for a mixture of materials as recited in claim 57. However, this conclusion is mistaken, as "one or more" of various materials are clearly disclosed in Applicant's specification as-filed, for example at p.8, Ins.6-9.

Accordingly, there is both claim and specification support for a mixture of materials as recited in claim 57, and an artisan is able to make and/or use the invention. Therefore, it is respectfully requested that the drawings objection with respect to claim 57 be withdrawn.

Regarding the drawings rejection with respect to claim 85, a new drawing sheet bearing new Figs. 7 and 8 is submitted herewith. The specification is amended to provide textual description to the same, on page 3, as well as within the paragraph bridging pages 7 and 8. New Fig. 7 is the same as Fig. 3, but omits layer 18 and refers to the modified fragment as 10b. New Fig. 8 is the same as Fig. 4, but omits layer 18 and refers to the modified fragment as 10b. The same is clearly supported in Applicant's application as-filed at p.8, Ins.1 and 2 such that no new matter is being entered. Acceptance of this new drawing sheet is requested, as is withdrawal of the drawings objection with respect to claim 85. Further entry of the specification amendments provided herein is requested in light of the added sheet of drawings.

The claim objection made by the Examiner regarding claim 94 is overcome by amendment. Analogous such amendments have also been made with respect to claims 82, 86 and 90. Accordingly, the objection has been overcome by amendment and it is respectfully requested that the objection be withdrawn.

It is noted that claim 93 was indicated to be allowable if re-written in independent form. However, claim 93 depends from allowed claim 57. Accordingly, it is believed that the Examiner intended to indicate that claim 93 as last presented was allowed.

Independent claim 62 still remains rejected as being obvious over a combination of Pfiester in view of Wu, Hachiya or Dennison. Applicant's previously arguments in this regard are hereby re-asserted. Most previously, Applicant asserted that modifying the Pfiester structure in the manner proposed by the Examiner would render the Pfiester device inoperative, thereby obviating the obviousness rejection pursuant to MPEP §2143.01. The Examiner's response is essentially that a person of skill in the art would know better than to make an inoperative device in the modification which the Examiner proposes. The assertion seems to undermine the very rationale of MPEP §2143.01. For example, an Examiner could seemingly always assert, as was done here, that a person of skill in the art would always know better than to make an inoperable device and would figure out a way around the inoperability to skirt the requirements of MPEP §2143.01, making the mandates of this MPEP section meaningless.

Regardless, the perceived manner by which someone in this instance would apparently be required to make an operative device would be to make the alleged contact modification in Pfiester outside of the cross-section depicted by the plane of the page in which the Fig. 7 Pfiester device is shown. Applicant's independent claim 62 has been amended to recite that the gate, gate dielectric layer, source/drain regions, channel regions, insulative material and contact structure extending to the gate are received within a common cross-section. For example, Fig. 4 in Applicant's application as-filed depicts a single or common cross-section on the plane of the page within which the various structures

identified above are received. Accordingly, no new matter is added. Modifying the Pfiester structure in a manner which the Examiner proposes in the common cross-section of the various device components of Fig. 7 of Pfiester would render that device inoperative by extending the contact structure through the channel region. Accordingly, even accepting the Examiner's apparent assertion that a person of skill in the art would know better than to create an inoperable device, they would not do so within the common cross-section depicted in Fig. 7 of Pfiester. MPEP §2143.01 applies, and the rejection over the cited references of amended independent claim 62 should be withdrawn. Action to that end is requested.

Applicant's dependent claims should be allowed as depending from allowable base claims, and for their own recited features which are neither shown nor suggested in the cited art, for example as been previously asserted. For the sake of brevity, Applicant will not repeat those specific assertions in this response.

This application is believed to be in immediate condition for allowance, and action to that end is requested

Respectfully submitted,

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